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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/442,387	11/18/1999	ITARU HOMMA	104772	5749

25944 7590 10/28/2003

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ALEXANDRIA, VA 22320

EXAMINER

WU, DOROTHY

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 10/28/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/442,387

Applicant(s)

HOMMA ET AL.

Examiner

Dorothy Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5 and 9 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group III in Paper No. 6 is acknowledged. The traversal is on the ground(s) that "the subject matter of all claims 1-10 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims." This is not found persuasive because Group I is drawn to the automatic switching between communication and image capture modes in a camera, Group II is drawn to the processing of communication from an external apparatus when the camera is in an image capture mode, and Group III is drawn to the prevention of certain announcing methods for incoming calls when the camera is in a still or movie shooting mode. The subject matter of the three groups is not sufficiently related that searches for the claimed features would be coextensive.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

2. Claim 5 is objected to because of the following informalities: the claim recites the limitation "plural of announcing manners." Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being anticipated by Irube et al, U.S. Pub. No. 2001/0041586.

Regarding claim 5, Irube et al teaches a camera (videophone) capable of communicating with another communication device, comprising: a communication device (PHS line interact unit 18) to communicate with another communication apparatus [0042], an announcing device (call indication lamp 54) to announce an incoming call that comes from another communication device to a camera user [0059]; and an imaging device (camera unit 4) to convert an object to an electronic image signal (Fig. 1). Irube et al teaches a plurality of announcing manners [0163]. It would have been obvious to one of ordinary skill to provide the plurality of announcing manners on a single phone, and to enable the user to switch the announcing manner to the preferred method of announcing incoming calls, which reads on the switching of the state of the camera. One of ordinary skill would have been motivated to make such a modification to announce a call in an appropriate manner that would not detract from the image quality when the camera is capturing images.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Fukasaka, Japanese Patent No. 408265716A.

Regarding claim 9, Fukasaka teaches a camera capable of communicating with another communication device, comprising: a communication device (incoming call detection means) to communicate with another communication apparatus; an imaging device (camera) to convert an object to an electronic image signal; and a changing device (camera's using state switching means 19c) to change a control manner of said imaging device (camera) from pictorial art/calligraphy to portrait mode while the incoming call is being announced (constitution). The announcing device to announce an incoming call is inherently taught.

Allowable Subject Matter

5. Claims 6-8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not teach that the a camera capable of communicating with another communication device wherein the announcing device is prohibited from announcing an incoming call with vibration when the camera is allowed to shoot, nor

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does the prior art teach that the announcing device is prohibited from announcing an incoming call with vibration and sound when the camera is in a state of movie shooting. The prior art does not teach a camera capable of communicating with another communication device, wherein the imaging device is prevented from shooting when the announcing device is announcing the incoming call by vibration.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bullister, U.S. Patent 6,211,903, teaches that vibrations within the image sensing apparatus affect the quality of the captured image.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dorothy Wu whose telephone number is 703-305-8412. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-7644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

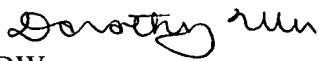
Or faxed to:


(703) 872-9314

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)306-0377.


DW
October 2, 2003


ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600